

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6973**

**BILL NUMBER: SB 335**

**DATE PREPARED:** Feb 23, 1999

**BILL AMENDED:** Feb 23, 1999

**SUBJECT:** Railroad trespass and vandalism.

**FISCAL ANALYST:** James Sperlik

**PHONE NUMBER:** 232-9866

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill expands criminal trespass as a Class A misdemeanor to include knowingly or intentionally: (1) traveling by train without certain authority or consent; and (2) riding on the outside of a train or inside of a passenger car, locomotive, or freight care without the railroad carrier's consent. It makes certain exceptions. It makes recklessly, knowingly, or intentionally vandalizing railroad property a Class D felony. The bill makes recklessly, knowingly, or intentionally vandalizing railroad property a Class C felony if another person suffers serious bodily injury. It makes recklessly, knowingly, or intentionally vandalizing railroad property a Class B felony if it results in the death of another person. It makes stealing railroad property a Class C felony. The bill makes buying or receiving stolen railroad property a Class D felony. It provides that the railroad trespass statute does not apply to persons who make an incidental crossing of a railroad track when a train or railroad cars are not present.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** (Revised) A Class B felony is punishable by a prison term ranging from 6 to 20 years depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from 2 to 8 years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class B felony offenders, it is approximately three years, two months and is approximately one year, seven months for Class C felony offenders.

A Class D felony is punishable by a prison term ranging from 6 months to 3 years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average length of stay in DOC facilities for all Class D felony offenders is approximately seven months.

**Explanation of State Revenues:** (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the State General Fund could increase. The maximum fine for a Class B, C, and D felonies is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the State General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

**Explanation of Local Expenditures:** (Revised) If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement

**Information Sources:** Indiana Sheriffs Association, Department of Correction.